

SUPPORT FOR THE AMENDMENT

Claims 2 and 4 have been canceled.

Claims 1 and 7-9 have been amended.

The amendment of Claims 1 and 7-9 is supported by the corresponding previously pending claims.

No new matter is believed to have been added by these amendments.

REMARKS

Claims 1, 3, and 5-20 are active in the present application.

At the outset, Applicants wish to acknowledge Examiner Weiner for the indication that the species 2,6-di-tert-butyl-4-methylpyridine and Claims 3, 5, 6, 17 and 18 are allowable (paper number 11, page 2, paragraph 2 and page 5, paragraph 8).

Favorable reconsideration and allowance of the claims is solicited.

The rejections of (a) Claims 1-2, 7-9, 11-16, and 19-20 under 35 U.S.C. §102(e), and (b) Claim 10 under 35 U.S.C. §102(e) and/or under 35 U.S.C. §102(e), each over the Shimizu et al is obviated by amendment.

Applicants make no statement regarding the propriety of these grounds of rejection over the disclosure of Shimizu et al. However, Applicants note that the Examiner has indicated that Shimizu et al disclose 2-vinylpyridine (substituted with an alkenyl group). Accordingly, in the present claims the alkenyl group has been cancelled. Accordingly, Shimizu et al cannot affect the patentability of the claimed invention as this reference fails to disclose or suggest any compound within the scope of the claimed invention..

In view of the foregoing, withdrawal of this ground of rejection is requested.

The rejection of Claims 7-8 under 35 U.S.C. §112, second paragraph, is obviated by amendment.

The Examiner has rejected these claims as failing to further limit the claim from which they depend (i.e., Claim 1). Applicants note that Claims 7 and 8 differ from Claim 1 in that these claims exclude hydrogen from the scope of moieties permissible at positions R¹, R³, and R⁵. It appears that the Examiner's confusion arises from a continued

misunderstanding as to the meaning of the phrase “aforesaid substituents” in Claims 7 and 8.

As stated in Claim 1, “R¹ to R⁵ each independently represents a hydrogen atom or a substituent composed of...” Therefore, the recitation in Claims 7 and 8 is meant to exclude hydrogen and limit the scope to the “aforesaid substituents.”

To assist the Examiner and the skilled artisan in interpreting the scope of Claims 7 and 8, Applicants have amended these claims to positively recite the meaning of “aforesaid substituents.” In view of the amendment herein, Applicants submit that the present claims are in definite within the context of 35 U.S.C. §112, second paragraph.

Withdrawal of this ground of rejection is requested.

Finally, the double patenting rejection of Claim 4 under 37 C.F.R. §1.75 is obviated by cancellation of this claim. Applicants request that the Examiner acknowledge withdrawal of this ground of rejection.

Applicants submit that the present application is now in condition for allowance.

Early notification of such action is earnestly solicited.

Respectfully submitted,

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